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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,533	08/20/2001	John M. Baron	10010915	5822

7590 08/02/2004

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EXAMINER
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HO, TUAN V

ART UNIT	PAPER NUMBER
2615	2

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/933,533

Applicant(s)

BARON, JOHN M.

Examiner

Tuan V Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 18 is/are rejected.
- 7) ☒ Claim(s) 7,8,19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ootsuka et al (US 6,393,216) in view of Nakao et al (US 6,636,264).

With regard to claims 1, 3 and 4, Ootsuka et al discloses in Figs. 2-6, an electronic camera that comprises the body including a lens barrel (camera body 20 and taking lens unit 21, col. 6, lines 19-21), user selection device affixed to the lens barrel (switch button 27 is affixed to lens barrel 21, col. 52-56), and depression sensor (switch button 27 corresponding to Spv switch provide control signals to microcomputer 1; where microcomputer 1 controls displaying of a preview image on LCD 47, col. 10, lines 22-26), except for the two-axis user selection device,

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horizontal displacement sensor and vertical displacement sensor.

Ootsuka et al discloses the same subject matter does not explicitly disclose any two-axis user selection device horizontal displacement sensor and vertical displacement sensor. However, Nakao et al teaches using a combination of cross key 46 (an upper/lower key and a right/left key) and execution key 48 that is used to control camera operations, col. 3, lines 39-44 and col. 4, lines 33-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the button switch 27 of Ootsuka et al as the same fashion of cross key 46 and execution key 48 as disclosed by Nakao in order to obtain a two-axis user selection device displaceable along axes and movable in direction toward the lens barrel by pressing arrow marks or button, affixed on lens barrel 21. This is because the modification of the Ootsuka switch would allow a user to control camera operations without taking eyes off viewfinder 28 and thereby to improve the camera efficiency.

In the combination of Ootsuka et al in view of Nakao et al, a horizontal displacement sensor and vertical

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displacement sensor is inherently in the keys because the sensors are used to detect displacements of keys in different directions and generate detecting signals to a control unit that controls LCD 47.

With regard to claims 3 and 4

With regard to claim 2, Ootsuka in view of Nakao et al discloses the same subject matter discussed with respect to claim 1, except for the finger joystick.

Ootsuka et al in view of Nakao et al does not explicitly disclose any a finger joystick, four-way rocket switches or rocker switches. However, Official Notice is taken that a finger joystick is used to control camera operations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the key switches of Ootsuka et al in view of Nakao et al with the finger joystick so as to control camera operation on LCD 47 because the replacement with a finger joystick would allow a user to control the switches without taking the finger off the switches and thereby to make camera operation controls easily and improve the versatility of the camera.

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With regard to claim 5, Ootsuka and Nakao et al does not explicitly disclose any sensors comprising potentiometers. However, Official Notice is taken that a horizontal and vertical displacement sensors comprises potentiometers used to detect movements of a switch.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the detectors of Ootsuka et al and Nakao et al with potentiometers so as to obtain a horizontal and vertical displacement sensors comprising potentiometers. This is because the potentiometers detecting movement of a switch by using resistance value, where it is less expensive and simpler to manufacture.

With regard to claim 6, furthermore, Ootsuka et al discloses button switch 27 is located at a region contacted by a user while holding the camera body and the lens barrel.

With regard to claim 18, method claim 18 corresponds to apparatus claim 1 and is analyzed the same as discussed with respect to apparatus claim 1.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Paff et al discloses an controller including two-ways control switches.

Anderson discloses an electronic camera that includes four-ways control button.

Bean discloses an digital camera that includes a control operation performed on a lens cap.

4. Claims 7, 8, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 9-17 are allowed.

The prior art of record fails to suggest or disclose an imaging capturing device comprising lens ring rotatably mounted onto the lens barrel a two-axis user selection device affixed to the lens ring; wherein the lens ring is capable of being rotationally positioned by a user.

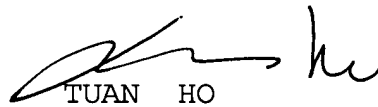
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN

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HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

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